

**DEPARTMENT OF ADMINISTRATIVE SERVICES
INTERNAL POLICIES AND PROCEDURES**

Subj: DOMESTIC VIOLENCE

Date: December 3, 2003

Ref: Governor's Executive Order on Domestic Violence, dated June 4, 1999
Dept. of Human Resource Management Rules R477-10-2 and R477-11

Purpose:

Domestic Violence is a universal societal problem with consequences reaching far beyond the realm of the family. Domestic Violence is not a private family matter; it has devastating effects on Victims, their children, communities and the workplace, whether or not it rises to the level of criminal conduct. All persons have a basic right to feel safe from harm at all times, especially in their homes, schools, communities and during the conduct of business in the workplace.

Domestic Violence imposes significant costs on the criminal justice system and courts, the health care system, the mental health care system and the child welfare system. It also imposes significant costs to the workplace including poor work performance, lost workplace productivity and an increase in the cost of health benefits.

It is the intent of the Department of Administrative Services to attempt to minimize the devastating effects of Domestic Violence for our employees and the associated costs to the workplace.

Definitions:

For purposes of this document, the following terms will be defined as follows:

- A. Domestic Violence: A pattern of coercive tactics which can include physical, psychological, sexual, economic and emotional abuse, perpetrated by one person against a cohabitant or significant other, with the goal of establishing and maintaining power and control over the Victim. Domestic Violence includes harassment of any employee or client while in state offices, facilities, work sites, vehicles, or while conducting state business or display of any violent, aggressive or threatening behavior (physical or verbal) that results in physical injury or emotional distress, or otherwise places a person's safety or productivity at risk.
- B. Abuser: An adult who perpetrates a pattern of coercive tactics which can include physical, psychological, sexual, economic, and emotional abuse against a Cohabitant or Significant Other, with the goal of establishing and maintaining power and control over the Victim.

- C. Victim: The Cohabitant or Significant Other against whom an Abuser directs his coercive and violent acts.
- D. Cohabitant or Significant Other: An emancipated person pursuant to §15-2-1 Utah Code Ann. or a person who is 16 years of age or older who: (1) is or was a spouse of the other party; or (2) is or was living as a spouse of the other party; or (3) is related by blood or marriage to the other party; or (4) has one or more children in common with the other party; or (5) resides or has resided in the same residence as the other party.

Policy:

This Department will have *zero* tolerance for Domestic Violence. The Department encourages early intervention and awareness by management as a first line of defense in order to avoid or minimize the occurrence and effects of Domestic Violence in the workplace. Where possible, the Department will offer assistance to Victims.

Any employee who threatens, stalks, harasses or abuses someone at the workplace or from the workplace using any state resources such as state time, workplace phones, FAX machines, mail, e-mail, or other means will be subject to disciplinary action pursuant to DHRM Rule R477-10-2 and R477-11. The Division encourages Abusers to attend perpetrator treatment programs.

Procedures for Victim Assistance:

1. Employees who are or may be the Victim of Domestic Violence or of a stalker on or off the worksite, and who needs assistance, is encouraged to contact their supervisor or human resource analyst so that appropriate measures may be taken regarding safety, security, referral for assistance and, if appropriate, so that the Victim can be taken to a shelter.
2. Employees who are Victims of Domestic Violence or stalking can request confidential assistance through their manager or through the Department's human resource staff. Employees who become aware of Domestic Violence against other employees, threats of Domestic Violence, stalking or Domestic Violence concerns are strongly encouraged to request confidential assistance through their manager or through the Department's human resource staff. Employees who become aware of any type of threat to anyone in the workplace are required to report this information to their supervisor or human resource analyst so appropriate action can be taken to protect Department employees.
3. Workplace safety procedures will be implemented to respond to the particular security risks that arise in individual domestic situations. The Department will work with the Victim to establish a response plan to ensure that all employees have clear instructions about what to do if an Abuser gains access to the work site.
4. When an employee needs to be absent from work as a result of being a Victim of Domestic Violence, such as for medical care, counseling, criminal and/or civil court proceedings, legal consultation, or relocation, management will help the employee to

arrange their work schedule or allow use of their leave time in order to prevent lost wages.

5. The current hotline or information referral number for Domestic Violence Victim and Perpetrator Service Resources, 1-800-897-LINK (5465) should be displayed by each Division in locations of high visibility.

6. Victims of Domestic Violence who have restraining orders or other legal documents restricting a perpetrator's access to their workplace or physical location are strongly encouraged to provide a copy of the protective order to agency management or their human resource analyst.

7. Division managers are expected to cooperate fully in the enforcement of all court orders of protection (particularly orders in which Abusers have been ordered to stay away from the work site).

Procedures Regarding Assistance for Perpetrators:

1. Employees who are perpetrators of Domestic Violence are encouraged to seek confidential assistance and contact their supervisor or human resource analyst for assistance.

2. The Department will make reasonable efforts to arrange for an employee to use their leave time, allow leave without pay, or adjust the employee's work schedule for the purpose of allowing an employee to attend an approved outpatient perpetrator treatment program.

3. All costs associated with participation in an outpatient perpetrator treatment program are the responsibility of the employee. The Department Director must approve any exceptions.

Management Responsibilities:

1. Managers and human resource personnel are required to complete training that deals with recognition, prevention and appropriate response to violence in the workplace. Managers and human resource personnel shall view the state's Violence in the Workplace Training CD and complete the associated test. This test shall be placed in their permanent personnel file.

2. As Division issues arise, management should contact the Department's human resource staff so they can coordinate with local law enforcement to establish response plans as part of workplace security. Divisions should contact the Department's human resource staff so they can coordinate treatment or intervention with the appropriate mental health practitioners or law enforcement agencies. Information regarding available services to Victims and Abusers through existing health plans is also available.